

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America )

v. )

MCARTHUR JOHNVELL HIGGINS )

Case No: 4:06CR3038

USM No: 20198-047

Date of Previous Judgment: 02/24/2009 )

David R. Stickman, Federal Public Defender

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 75 months is reduced to 54 months.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33

Amended Offense Level: 27

Criminal History Category: III

Criminal History Category: II

Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 78 to 97 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 07/23/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: 11/02/2011

s/ Warren K. Urbom

Judge's signature

Effective Date: 11/02/2011

Warren K. Urbom

(if different from order date)

Printed name and title